

**Minutes of the Regular Meeting Of The
New Jersey Maritime Pilot and Docking Commission
February 17, 2015**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, February 17, 2015 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Stapleton called the meeting to order at 11:10 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (via teleconference); Commissioner Commissioner Jacob Shisha (present); Commissioner Charles E. Stapleton (present); Commissioner Charles Wowkanech (via teleconference).

Tyler Yingling, Esq. from the Governor's Authorities Unit participated in the meeting via teleconference.

Approval of the January 20, 2015 Meeting Minutes

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the minutes of the January 20, 2015 regular meeting minutes. All voted in favor.

Resolution #15-05 to approve the February 2015 Treasures Report

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to pass Resolution #15-05 to approve the February 2015 Treasures Report. All voted in favor.

Executive Director's Report

Ms. Stuckey informed the Commission that the Coast Guard reported that there are no updates on the Sulfur Fuel Limits. They believe it is still too early to tell if there will be any effect on vessels. Ms. Stuckey has been keeping track and since January 1st, there have been three power losses. Although it is

not a big number, Ms. Stuckey pointed out that during one of the incidents the vessel's engine shut down and restarted without warning at least 10 times during the transit. The pilot had to abort the job and with the use of assist tugs navigate the vessel to the Bay Ridge Anchorage. The other two incidents were similar in nature but were not as frequent as the first. The Commission asked for any pilots that were present to share any experiences they had. Captain Rick Schoenlank mentioned that between NY and NJ the Sandy Hook pilots have experienced six incidents.

Per the Commission's approval at the December 2014 special meeting, Ms. Stuckey put together a focus group to discuss a revised docking pilot test. The meeting was very successful. All participants agreed that a test is necessary, but it must be relevant. The focus group participants were not opposed to doing charts but would prefer if the charts were relevant and used a scenario situation that involved filling-in the information for a berth. The next stage is to put together search criteria for consultants to work with Ms. Stuckey and the focus group to design the test. Ms. Stuckey believes it would be best if the consultant were a recent retired pilot. Once the search criteria has been finalized, the search ad will be posted on the Commission's website and distributed to the retired pilot unions.

There is currently a facility regulation proposed by the Coast Guard that provides seafarers with access to vessels and facility gates with no cost to them. The public hearings were held on January 23rd in Washington, DC. Ms. Stuckey will continue to monitor the proposal, and she will let the Commission know if or when the regulations are passed.

The Coast Guard is in the preliminary stages of planning a mini Op-Sail celebration for July 4th. There will be a full presentation at the May 2015 Harbor Ops meeting.

Ms. Stuckey attended the Coast Guard listening forum in June 2014 where NOAA gave a presentation on the future of chartlets and the possibility of eliminating the paper production and going to an online system in which they can be ordered through an approved vendor or printed directly from the website. NOAA is still accepting comments on this proposal. Ms. Stuckey will keep everyone updated.

Since the Commission's last meeting, Captain Leonard Evans has performed two trips on the Hudson River. In addition, there

is a New York pilot currently training to become a transport pilot. Ms. Stuckey had the opportunity to speak with Captain Paul Capel after the rate hearing in New York. He informed Ms. Stuckey that the Hudson River has been extremely busy this year. He was called in from retirement to work part time to help with the manpower issues. He thanked the Commission for their willingness to help.

Ms. Stuckey provided the dredging updates given at the last Harbor Ops Meeting.

The maintenance work in the New York/New Jersey channel is complete. The controlling depth reports are expected to be distributed any day.

The dredging in the Newark Bay and KVK are move on demand and are expected to be done in March.

The contract for the deepening in the Arthur Kill channel has been accepted. The channel will be dredged to 50 feet.

The Waterfront Management Advisory Board's re-nomination forms have been submitted to the Mayor's office. The committee will remain the same. Captain Andrew McGovern serves on the Committee.

The New York Shipping Association has hired 499 longshoreman and checkers. Of the 499 hired, 277 of them were veterans.

The Syphon project is progressing. The drill machines are currently working under the Belt Parkway to remove the old syphon. At the time of the Harbor Ops Meeting, the drilling was scheduled to be completed within 5-6 days. Ms. Stuckey will continue to update the Commission on the progress.

At last month's meeting, Captain Flannery reported a problem one of his pilots encountered with a Bayonne Police officer when the Bayonne Bridge was closed during the ice-storm. Ms. Stuckey spoke directly with the pilot to obtain more details. Fortunately the pilot was able to provide the Officer's Name and badge number. Ms. Stuckey met with the Chief of Police, Drew Niekrasz to explain to him the role and the importance of the pilots. She focused on the role they played during 9/11 and during the hurricane. Chief Niekrasz thanked Ms. Stuckey for the information and assured her that there will not be any issues going forward. Ms. Stuckey also reached out to the Elizabeth Police Department and the Jersey City Police Department. She plans to meet with the Carteret Police Department in the future.

Ms. Stuckey met with NJ Transit's Financial Department to review the Commission's current lease. They also reviewed our use of their I.T. services, mail services, phone lines etc. . . . They are satisfied that our current rent is enough to cover all our expenses. They will continue to adjust it every July based on the Consumer Price Index. The current lease will continue through June 2019; however we will meet periodically to review it.

The Commissioners requested that Ms. Stuckey notify NJ Transit that there is not sufficient parking spaces on meeting dates and discuss the possibilities of reserving spaces for the Commissioners.

Ms. Stuckey provided the Commissioners with a copy of the Sandy Hook Apprentice Training report. Apprentice Graham Mergenthaler is scheduled to take his state licensing exam the week of May 18th. It is anticipated that he will be licensed and join the rotation board by July 1, 2015.

Ms. Stuckey shared various future dates of interests for the Commission.

On February 19th, the Working Harbor Committee will hold its Annual Awards Gala.

On February 26th, Ms. Stuckey will observe the first interview with an Investigator and a pilot in regards to a pending incident. Ms. Stuckey is excited about this first interview. She will update the Commission on the findings during an upcoming Board Meeting.

On March 18th, the Harbor School will host its annual dinner.

On April 13th, the Marine Society of the City of New York will hold its annual dinner at the NY Yacht Club.

The Maritime Association will hold its annual Hall of Fame Awards dinner on May 13th and they will also offer its "Shipping 101" course sometime in late April/early May. Ms. Stuckey asked if anyone is interested in attending the course to please let her know.

Honoring of Retired Pilot

Captain John Bates was honored by the Commission for his years of service as a Docking Pilot. He was presented with a plaque by Commissioner Stapleton.

Captain Bates thanked the Commission and shared a few words on his experiences working as a pilot.

Resolution #15-08 to Approve the Request to appoint a Maritime
Pilot Apprentice

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the resolution #15-08 to appoint Mr. Robert Flannery, III a Maritime Pilot Apprentice.

All voted in favor.

Public Comment(s)

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association:

Captain Richard Schoenlank congratulated Captain Bates.

On January 21st, he attended a meeting with the NY Shipping Company and the Coast Guard regarding the transportation of ultra large container ships. They also discussed the removal of water syphon between Brooklyn and Staten Island. Once the old lines are removed in mid-2015 the channel will be 50 ft. The pilots pointed out that despite the deepening of the channels the deciding factor for vessels is the draft at the berth, therefore maintenance dredging needs to be done.

The pilots met with the Coast Guard VTS regarding the random inspections of vessels. They would like to see the inspections temporarily discontinued until the deepening projects are complete or the inspectors board the vessels offshore.

Committee Report

A. Investigation Committee:

- I. **Wanderer** - March 18, 2014. This incident is still under investigation.
- II. **CSAV Loconillia** - May 16, 2014. This incident is still under investigation.
- III. **Port Richmond** - May 29, 2014. This incident is still under investigation.
- IV. **STI Beryl** - June 14, 2014. This incident is still under investigation.
- V. **Puccini** - August 18, 2014. This incident is still under investigation.
- VI. **Bremen Express** - October 3, 2014. This incident is still under investigation.
- VII. **Hangin Newport** - October 4, 2014. This incident is still under investigation.

- VIII. **Maersk Chicago** - October 21, 2014. This incident is still under investigation.
- IX. **Hanjin Rio DeJanerio** - November 1, 2014. This incident is still under investigation.
- X. **MSC Martina** - November 3, 2014. This incident is still under investigation.
- XI. **Rainbow Quest** - November 7, 2014. This incident is still under investigation.
- XII. **Hyundai Glory** - December 9, 2014. This incident is still under investigation.

Ms. Stuckey updated the Commission on the investigators and how the process is working. Each of the investigators received two of the back-logged cases to complete. To date, one has been received and closed. There is an interview scheduled at the Commission's office on February 26, 2016 as part of another investigation. Two of the investigators are currently out of town on other business. The investigator that is currently on call, Captain Mark Clark, has been doing an exceptional job. Upon completion of his second case, he will receive two additional cases to complete. Ms. Stuckey will provide the Commission with periodic updates.

Old Business

- A. Masters on Cruise Vessels utilizing the Auto Pilot
Ms. Stuckey referred to the drafted Commission Advisory provided in the agenda. The Advisory provides the pilots with the Commission's stance on the use of the auto pilot feature and what steps to take if the Master undermines the pilots. NY has issued a similar advisory. The advisory will be distributed to all NJ licensed pilots and apprentices, the Board of Commission of the Pilots of NY, the US Coast Guard, and posted on the Commission's website.
- B. Intra-harbor Intermediate Rates
Ms. Stuckey attended the Tuesday, January 27, 2015 public hearing. There were only three comments made.
 - Sandy Hook Pilot Association commented revealing their support and approval of the rate changes.
 - Interport expressed their concerns that the rates would put Interport out of business.
 - Ms. Stuckey commented on behalf of the Commission and stated their support of the new rates.

The final rate hearing is today. If no additional comments are received, New York will move to adopt the new rates. Ms. Stuckey will consult with Frank Keane on the effective date and put a resolution on the March agenda for the Commission to approve.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing that the Commission goes into Executive Session.

All voted in favor.

The commission went into Executive Session at 11:47 AM.

Return to Public Session

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 12:21 PM.

Resolution #15-06 to Approve the Request to Upgrade Maritime Pilot - Captain Nils A. Tribus

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the Resolution #15-06 to upgrade Captain Nils A. Tribus.

All voted in favor.

Resolution #15-07 to Approve the Request to Upgrade Maritime Pilot - Captain Joseph S. Paulis

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the resolution #15-07 to upgrade Captain Joseph S. Paulis.

All voted in favor.

Swearing in of Captain Nils Tribus and Joseph Paulis

Captain Tribus and Captain Paulis were sworn in as First Grade Pilots by Commissioner Stapleton.

Additional Announcement

Ms. Stuckey introduced Chris Maag, a reporter from the Bergen Record. He is writing a book on the Kill Van Kull. He attended the Board Meeting to get an understanding of the function of the Commission and the work of the pilots.

Mr. Maag provided a summary of his book.

Adjournment

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:31 PM.